

ORDINANCE NO. _____
File No. Z1125-0427

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT TO ALLOW USES PERMITTED IN COMMERCIAL ZONING AND TO MODIFY DEVELOPMENT STANDARDS LOCATED ON AN APPROXIMATELY 1.8-ACRE PORTION OF 1638 AND 1800 NORTH TOWN EAST BOULEVARD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property is approximately 1.8 acres described in **EXHIBIT A**, attached hereto and incorporated herein by reference, and located on a portion of 1638 and 1800 North Town East Boulevard in the City of Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Commercial within the Town East Retail and Restaurant Area (“**TERRA**”) Overlay District to Planned Development – Commercial within the TERRA Overlay District to allow uses permitted in Commercial zoning and subject to modified Planned Development Standards (**EXHIBIT B**) and the Concept Plan (**EXHIBIT C**), and said exhibits are attached hereto and incorporated herein by reference.

SECTION 3. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. Should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. This Ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of April 2026.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

FIELD NOTES – DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE J. T. NELMS SURVEY, ABSTRACT NO. 1095, DALLAS COUNTY, TEXAS, BEING A PORTION OF LOT 3R-1, BLOCK A, TOWN EAST MALL, PHASE 2, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NO. 202500134107, OFFICIAL RECORDS, DALLAS COUNTY, TEXAS (O.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN A NORTH LINE OF SAID LOT 3R-1 AND THE SOUTH LINE OF TOWN EAST BOULEVARD (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH THE MOST NORTHERLY NORTHEAST CORNER OF SAID LOT 3R-1 AND THE NORTHWEST CORNER OF LOT 6, BLOCK D, TOWN EAST MALL ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 93152, PAGE 4179, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEARS N 88°31'29" E, A DISTANCE OF 215.50 FEET;

THENCE S 01°09'08" E, DEPARTING A NORTH LINE OF SAID LOT 3R-1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID TOWN EAST BOULEVARD, A DISTANCE OF 326.98 FEET TO A POINT, FROM WHICH AN "X" CUT FOUND BEARS N 59°15'41" E, A DISTANCE OF 247.81 FEET, SAID "X" CUT BEING THE SOUTHWEST CORNER OF SAID LOT 6;

THENCE S 88°38'01" W, A DISTANCE OF 19.00 FEET TO A POINT;

THENCE S 01°09'08" E, A DISTANCE OF 10.02 FEET TO A POINT;

THENCE S 89°19'38" W, A DISTANCE OF 161.94 FEET TO A POINT;

THENCE S 05°17'35" W, A DISTANCE OF 52.28 FEET TO A POINT, BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE NORTHWESTERLY, AN ARC LENGTH OF 43.87 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 546.00 FEET, A DELTA ANGLE OF 04°36'14", AND A CHORD BEARING OF N 71°31'14" W, 43.86 FEET TO A POINT;

THENCE N 03°06'56" E, A DISTANCE OF 238.52 FEET TO A POINT;

THENCE N 61°06'53" W, A DISTANCE OF 64.97 FEET TO A POINT;

THENCE N 03°06'56", A DISTANCE OF 97.15 FEET TO A POINT IN A NORTH LINE OF SAID LOT 3R-1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID TOWN EAST BOULEVARD, FROM WHICH A MAG NAIL FOUND WITH A WASHER STAMPED "1519 SURVEYING" BEARS S 28°01'29" W, A DISTANCE OF 377.80 FEET, SAID MAG NAIL BEING AN ELL CORNER OF LOT 2R-1, BLOCK A OF SAID TOWN EAST MALL AND THE MOST EASTERLY SOUTHEAST CORNER OF LOT 1, BLOCK A, TOWN EAST MALL, PHASE 2, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN INSTRUMENT NOS. 201200064295 AND 201400082891, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.);

THENCE N 87°28'27" E, ALONG A NORTH LINE OF SAID LOT 3R-1 AND THE SOUTH RIGHT-OF-WAY LINE OF SAID TOWN EAST BOULEVARD, A DISTANCE OF 130.27 FEET TO A 1/2" IRON ROD FOUND;

THENCE N 87°29'13" E, A DISTANCE OF 100.45 FEET TO A POINT;

THENCE N 88°31'27" E, A DISTANCE OF 28.72 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.828 ACRES (79,614 SQUARE FEET) OF LAND, MORE OR LESS.

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WIA SURVEYOR PREPARING THIS EXHIBIT:
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 Texas Firm Registration No. F-2776 www.WierAssociates.com (817) 467-7700
 Texas Board of Professional Land Surveying Registration No. 10033900

A PORTION OF LOT 3R-1, BLOCK A, TOWN EAST MALL, PHASE 2 MESQUITE, DALLAS COUNTY, TEXAS	
DRAWN BY: RTA	SHEET NO. 1 OF 1
APPROVED: ALS	
REV.	

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

This Planned Development - Commercial (“**PD-C**”) district within the Town East Restaurant Retail (“**TERRA**”) Overlay District must adhere to all conditions of the City of Mesquite, Texas, Mesquite City Code, including but not limited to the Mesquite Zoning Ordinance (“**MZO**”), as amended, and adopts Commercial (“**C**”) District base standards consistent with the Concept Plan for the PD-C district property attached hereto and incorporated herein as **EXHIBIT “C” (“Concept Plan”)**, and the standards identified below, which apply to this PD-C district. Where these regulations conflict with or overlap another ordinance, the regulations contained in the standards identified below will control.

1. **Permitted Land Uses.** The permitted uses on the PD-C district property include the permitted uses in the C District classification and TERRA Overlay District, as set out in the MZO, and those permitted uses on the PD-C district property are subject to the same requirements as set out in the MZO. Prohibited uses on the PD-C district property are identified in subsection 1.b. below.
 - a. Any land use requiring a Conditional Use Permit (“**CUP**”) in the C Zoning District or TERRA Overlay District, as amended, is only allowed if a CUP is issued for the use.
 - b. Any land use prohibited in the C Zoning District and TERRA Overlay District, as amended, is also prohibited. The following uses are also prohibited:
 - i. SIC Code 40: Railroad Passenger Terminal
 - ii. SIC Code 61: Alternative Financial Institutions
 - iii. SIC Code 593: Used Merchandise
 - iv. SIC Code 593a: Pawnshops
 - v. SIC Code 5947: Gift, Novelty, Souvenir Shops
 - vi. SIC Code 5993: Tobacco Stores
 - vii. SIC Code 5999g: Paraphernalia Shops
 - viii. SIC Code 753 Auto Repair Shops
 - ix. SIC Code 754 Auto Services
2. **Development Standards.** In addition to the requirements of the MZO, the planned development is subject to the following:
 - a. **Site Plan.** The site plan shall comply with the Concept Plan in all material respects. Material deviations from the Concept Plan may be permitted to ensure compliance with the Mesquite Engineering Design Manual, the Building and Fire Codes, as amended, provided that the development continues to meet all requirements of this ordinance.
 - b. **Canopies.** Canopies over the drive-through lanes are not subject to the size limitations applicable to accessory structures, provided they are constructed in accordance with the approved Concept Plan.
 - c. **Cross Access.** A cross-access easement shall be provided between abutting lots.

- d. **Parking.** The minimum number of off-street parking spaces shall be provided as required by Section 3-400 of the MZO, with the following modifications:
- i. One (1) parking space for every 250 square feet of gross floor area shall be provided for retail, restaurant, and personal service uses.
 - ii. Off-site parking. Required parking for a use may be provided on a separate lot not within the PD-C district property; provided, an easement over the off-site parking facilities in favor of the premises to be benefited thereby shall be granted and recorded in Dallas County records as a condition of such use.
 - iii. Reduction in the foregoing parking requirements may be provided as authorized by Section 3-403 of the MZO, or by receiving a Special Exception from the Board of Adjustment.
- e. **Landscaping.** The landscaping shall comply with Section 1A of the MZO and the following stipulations:
- i. The amount of landscaping provided shall comply with Section 1A and shall be consistent with the Concept Plan.
 - ii. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. A variety of species shall be required such that no single species shall exceed 25% of the total number of trees. Trees shall be selected from the following:

Common Name	Scientific Name
Texas Walnut	Juglans microcarpa
Pecan	Carya illinoensis
Caddo Maple	Acer saccharum var. caddo
Cedar Elm	Ulmus crassifolia
Chinquapin Oak	Quercus muhlenbergii
Live Oak	Quercus virginiana
Texas Red Oak	Quercus texana
Shantung Maple	Acer truncatum
Lacebark Elm	Ulmus parvifolia

- f. **Screening.**
- i. Screening for roof-mounted units shall be incorporated with the building facade.
 - ii. Drive-through lanes located between the building and the right-of-way will need to be screened from the right-of-way by a 4-foot evergreen hedge row.

- g. **Sidewalks.** Sidewalks shall be provided along or within the right-of-way of N. Town East Boulevard and along the Town East Mall ring road, as depicted on the approved Concept Plan.
- h. **Signage.** All signage shall comply with the Mesquite Sign Ordinance except as modified below:
 - i. **Menu Boards.** One menu board and one pre-order board are permitted for each drive-through lane.
 - ii. **Wall Signs.** Wall signs may be permitted on all building facades.

